

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 9, 2005  
Tuesday, 9:08 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Reverend Diane Monger, Presbyterian, Inter-faith Ministries, gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the August 2, 2005 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS

There were no proclamations made.

PUBLIC AGENDA

Carrie Jones Williams

Carrie Jones-Williams-Wichita Family Services Institute Summer Youth Employment Program.

Ms. Williams stated that she is the Director of Wichita Family Service Institute and that she brought with her the results of the Summer Youth Employment Program, which the City help fund this year for the summer. Stated that she is excited about what they did with this program and what happened with the youth that worked there. Stated that through the grant that was issued to the Family Services Institute in cooperation with five other organizations that helped them this summer, approximately 85 kids were hired and given jobs and hopefully these same kids will return to them next summer because the more often they return to them, the more opportunities they have to help shape their futures and help direct them. Stated that out of the 85 kids that participated in this program and were hired, she brought 58 with her today to thank the Council for helping to shape the futures of these kids.

CONSENT AGENDA

Motion--carried

Mayans moved that the Consent Agenda be approved as presented. Motion carried 7 to 0.

**BOARD OF BIDS****REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED AUGUST 8, 2005.**

Bids were opened August 5, 2005, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

2005-2006 CDBG Street, Curb, Gutter and Sidewalk Improvements -Concrete Repairs - north of 11th Street North, east of Washington- (472-84162/92005/800502) Traffic to be maintained during construction using flagpersons and barricades. (District I)

Parga Construction - \$237,170.00 (Engineer's Estimate)

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2005 Sanitary Sewer Rehab Phase D - various locations - (468-84028/620439/665559) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, IV, VI)

Insituform Technologies - \$208,112.00

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

FIRE DEPARTMENT/SAFETY DIVISION: Akron Mercury Monitor, Nozzle and Bracket

Conrad Fire Equipment Inc - \$32,918.34 (Group 1/Total Net Bid)

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Taxiway L, L-1, Pad & Apron, Twy H 7 H-1

Cornejo & Sons Inc - \$5,985,051.80\* (Group 1/Total Net Bid)

\*Negotiated to Engineer's Estimate (Subject to FAA Approval)

POLICE DEPARTMENT/FIELD SERVICES DIVISION: Entry Vest

Government Supplies and Associates - \$24,772.32 (Group 1/Total Net Bid)

IT/IS DEPARTMENT/OPERATIONS DIVISION: SAN Upgrade cx300-cx500 (RQ501347)

Dell Marketing LP - \$53,767.45\*

\*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements - Ordinance No. 38-122 Section 2.64.020 (j).

Motion--

Mayans moved that the report be received and filed; Contracts approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

## CMBS

### APPLICATIONS FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES:

New Operator      2005      (Consumption on Premises)

Marijo Taylor      Taco Tico Operations, Inc.\*      460 North West Street

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--

Mayans moved that the license subject to Staff review and approval be approved. Motion carried 7 to 0.

--carried

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## PRELIM. ESTS.

### PRELIMINARY ESTIMATES:

- a) 2005 Contract Maintenance Ultra-thin Asphalt Overlay (various locations south of 21st Street North, west of Rock Road. 472-84157/132718/665546) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, IV, V, & VI) - \$878,000.00
- b) 2005 Condemned Sidewalk and Wheelchair Ramps - north of 55th Street South, east of 135th Street West. (472-84247/132100/) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, IV, V, & VI) - \$162,975.00
- c) 2005 Sanitary Sewer Reconstruction Phase 8 - various locations north of Harry, west of Oliver. (468-84037/620434/665558) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$247,000.00
- d) Water Distribution System to serve North Ridge Village Addition - north of 37th Street North, west of Ridge. (448-90062/735258/470929) Does not affect existing traffic. (District V) - \$65,000.00
- e) Water Distribution System to serve Copper Gate North Addition - north of 13th Street North, west of 135th Street West. (448-90014/735252/470923) Does not affect existing traffic. (District V) - \$121,000.00
- f) Storm Water Drain #201 to serve Shadow Woods Addition - north of Maple, west of 135th Street West. (468-83598/751400/485291) Does not affect existing traffic. (District V) - \$149,000.00
- g) 2005 Contract Maintenance Street Rehabilitation - 42nd Street North, Cobblestone, and 41st Street North. (472-84159/132718/) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$75,451.40
- h) Northwest Riverside Water Main Replacement - north of 13th Street North, east of Hood. (448-89815 /634027/773198) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$995,000.00

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

## PETITIONS

### PETITIONS FOR PUBLIC IMPROVEMENTS:

#### FOUR H ADDITION

#### CONSTRUCT A LATERAL SANITARY SEWER IN THE FOUR H ADDITION, NORTH OF CENTRAL, WEST OF TYLER. (DISTRICT V)

Agenda Report No. 05-0727

On January 13, 2004, the City Council approved a Petition to construct a lateral sanitary sewer in the Four H Addition. The Department of Water and Sewer has implemented a policy to collect a sewer main benefit fee from owners of property that have not been included in a sanitary sewer main improvement district. The fee can be paid by special assessments as part of a lateral sanitary sewer project. The Four H Addition has not been included in a sanitary sewer main improvement district. The developer has submitted a new Petition that includes the main benefit fee. The signature on the new Petition represents 100% of the improvement district.

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The project will serve a new residential development located north of Central, west of Tyler.

The existing Petition totals \$61,000. The new Petition totals \$73,774. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

## RESOLUTION NO. 05-411

Resolution of findings of advisability and Resolution authorizing construction of Lateral 132, Westlink Sewer (north of Central, west of Tyler) 468-83761 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

**581 W. DOUGLAS**

### **RENOVATE BUILDING FACADE AT 581 WEST DOUGLAS. (DISTRICT IV)**

Agenda Report No. 05-0728

On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for businesses to improve their property. Low interest, fifteen-year loans are provided owners of buildings with frontage on Douglas Avenue, between Seneca and Washington. Up to two facades per building can be improved with 25% of the cost up to \$30,000 in the form of a forgivable loan. The owner of a building located at 581 W. Douglas has submitted the required Petition. The signature on the Petition represents 100% of the improvement district.

The facade project will restore the storefront to its original appearance, with new windows and doors.

The estimated project cost is \$58,000, with \$43,500 paid by special assessments and \$14,500 by a forgivable loan.

State Statutes provide the City Council authority to use Special Assessment funding for the projects. Approval of the Petition does not relieve the owner of requirements to obtain all necessary permits and reviews by applicable City Boards.

Motion--  
--carried

Mayans moved that the Petition be approved; the Resolution adopted; the Facade Easement approved and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO. 05-412

Resolution of findings of advisability and Resolution authorizing construction of Façade Improvements at 581 West Douglas (south of Douglas, east of Seneca) 472-84257, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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917 E. DOUGLAS

## **RENOVATE BUILDING FAÇADE AT 917 EAST DOUGLAS. (DISTRICT I)**

Agenda Report No. 05-0729

On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for businesses to improve their property. Low interest, fifteen-year loans are provided owners of buildings with frontage on Douglas Avenue, between Seneca and Washington. Up to two facades per building can be improved with 25% of the cost up to \$30,000 in the form of a forgivable loan. The owner of a building located at 917 E. Douglas has submitted the required Petition. The signature on the Petition represents 100% of the improvement district.

The facade project will restore the storefront to its original appearance, with new windows and doors.

The estimated project cost is \$48,500, with \$36,375 paid by special assessments and \$12,125 by a forgivable loan.

State Statutes provide the City Council authority to use Special Assessment funding for the projects. Approval of the Petition does not relieve the owner of requirements to obtain all necessary permits and reviews by applicable City Boards.

Motion--  
--carried

Mayans moved that the Petition be approved; the Resolution adopted; the Facade Easement approved and the necessary signatures authorized. Motion carried 7 to 0.

### RESOLUTION NO. 05-413

Resolution of findings of advisability and Resolution authorizing construction of Façade Improvements at 917 East Douglas (south of Douglas, west of Washington) 472-84256 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

919 E. DOUGLAS

## **RENOVATE BUILDING FAÇADE AT 919 EAST DOUGLAS. (DISTRICT I)**

Agenda Report No. 05-0730

On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for businesses to improve their property. Low interest, fifteen-year loans are provided owners of buildings with frontage on Douglas Avenue, between Seneca and Washington. Up to two facades per building can be improved with 25% of the cost up to \$30,000 in the form of a forgivable loan. The owner of a building located at 919 E. Douglas has submitted the required Petition. The signature on the Petition represents 100% of the improvement district.

The facade project will restore the storefront to its original appearance, with new windows and doors.

The estimated project cost is \$49,500, with \$37,125 paid by special assessments and \$12,375 by a forgivable loan.

State Statutes provide the City Council authority to use Special Assessment funding for the projects. Approval of the Petition does not relieve the owner of requirements to obtain all necessary permits and reviews by applicable City Boards.

Motion--  
--carried

Mayans moved that the Petition be approved; the Resolution adopted; the Facade Easement approved and the necessary signatures authorized. Motion carried 7 to 0.

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## RESOLUTION NO. 05-414

Resolution of findings of advisability and Resolution authorizing construction of Façade Improvements at 919 East Douglas (south of Douglas, west of Washington) 472-84255 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

### FAIRMONT ADD.

#### **PAVING, SANITARY SEWER AND WATER DISTRIBUTION SYSTEM IMPROVEMENTS TO SERVE THE FAIRMONT ADDITION, NORTH OF 21ST STREET, WEST OF 127TH STREET EAST. (DISTRICT II)**

Agenda Report No. 05-0731

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer and water improvements to a new residential development located north of 21st, west of 127th St. East.

The Petitions total \$1,068,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

## RESOLUTION NO. 05-415

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89661 (north of 21<sup>st</sup>, west of 127<sup>th</sup> street east) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## RESOLUTION NO. 05-416

Resolution of findings of advisability and Resolution authorizing construction Water Distribution System Number 448-90093 (north of 21<sup>st</sup>, west of 127<sup>th</sup> street east) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## RESOLUTION NO. 05-417

Resolution of findings of advisability and Resolution authorizing construction of Lateral 3, Main 11, Four Mile Creek Sewer (north of 21<sup>st</sup>, west of 127<sup>th</sup> street east) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## RESOLUTION NO. 05-418

Resolution of findings of advisability and Resolution authorizing construction Lateral 4, Main 11, Four Mile Creek Sewer (north of 21<sup>st</sup>, west of 127<sup>th</sup> street east) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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## RESOLUTION NO. 05-419

Resolution of findings of advisability and Resolution authorizing constructing pavement on Mainsgate from the south line of Lot 7, Block C, north and east to the west line of Eagle, on Wawona, from the north line of Mainsgate, north to the north line of the plat, and on Eagle from the north line of Lot 11, Block G, north to the south line of Mainsgate and on Mainsgate Court from the north line of Mainsgate, north to and including the cul-de-sac and that sidewalk be constructed along one side of Mainsgate, Wawona, and Eagle (north of 21<sup>st</sup>, west of 127<sup>th</sup> street east) 472-83485 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## RESOLUTION NO. 05-420

Resolution of findings of advisability and Resolution authorizing constructing pavement on Mainsgate from the west line of Eagle, east to the east line of the plat, on Woodridge from the north line of Lot 4, Block G, north to the south line of Mainsgate, and on Woodridge, from the north line of Mainsgate, north to the north line of the plat and that there be constructed pavement on Davin Circle from the north line of Lot 9, Block H, north to and including the cul-de-sac, including the emergency access easement between Davin Circle and Mainsgate and that sidewalk be constructed along one side of Mainsgate and Woodridge (north of 21<sup>st</sup>, west of 127<sup>th</sup> street east) 472-84246 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## **STREET CLOSURES      CONSIDERATION OF STREET CLOSURES/USES.**

Agenda Report No. 05-0732

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted.

Ultimate Backyard BBQ – Saturday, August 27

10:00 a.m. – 6:00 p.m.

§        St. Francis between First & Second Streets

Kansas Flight Festival – Saturday, & Sunday, September 24-25

10:00 a.m. – 5:00 p.m.

§        43rd from Webb to Lindberg Ave.

§        37th from Lindberg Ave to Greenwich Road

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion--

Mayans moved that event sponsors notifying every property and/or business adjoining any portion of the closed street; Coordination of event arrangements with City Staff; Hiring off-duty public safety officers as required by the Police Department; Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets be approved. Motion carried 7 to 0.

--carried

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## CONTS/AGMNTS

### CONTRACT & AGREEMENTS FOR JULY 2005.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

## QTRLY REPORT

### QUARTERLY FINANCIAL REPORT, JUNE 30, 2005.

Motion--carried

Mayans moved that the file be received. Motion carried 7 to 0.

## OLIVER IMPROV.

### AMENDING ORDINANCE FOR THE IMPROVEMENT OF OLIVER, HARRY TO KELLOGG. (DISTRICT III)-SUPPLEMENTAL.

Agenda Report No. 05-0733

The 2004-2013 Capital Improvement Program (CIP) includes a project to improve Oliver, between Harry and Kellogg. On May 11, 2004, the City Council approved a design budget and design contract with MKEC Consultants for the preparation of construction plans. At that time, the project did not include improvements to the intersection of Oliver and Harry. Based on the condition of the pavement and current traffic volumes, it is recommended that the intersection be incorporated into the project. On May 4, 2005, District III Advisory Board sponsored a neighborhood hearing on the project. The Board voted 7-0 to recommend approval of the project, including improvements to the intersection of Oliver and Harry.

The design concept is to replace the existing pavement on Oliver with a new five lane roadway, with four through lanes and a center two-way left turn lane. Left turn lanes would be provided at all four approaches to the Oliver and Harry intersection. An Amending Ordinance has been prepared to increase the design budget. The project will be returned to the City Council for final approval before construction.

The existing design budget is \$135,000. The supplement a design fee for MKEC Consultants is \$79,191. A budget increase of \$90,000 is requested to accommodate the consultant fee increase and in-house expenses. The revised budget of \$225,000 is within the design budget contained in the CIP.

The Supplemental Agreement and Amending Ordinance have been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved; the Amending Ordinance placed on First reading and the signing of State/Federal agreements as required authorized. Motion carried 7 to 0.

## ORDINANCE

An Ordinance amending Ordinance No. 46-172 of the City of Wichita, Kansas declaring Oliver, between Harry and Kellogg (472-84018) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.



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## FOOD SERVICES

### CONTRACT FOR MANAGEMENT OF FOOD SERVICES.

Agenda Report No. 05-0734

The City Hall Cafeteria operated from the time City Hall first opened in November 1975 through the current year, except for a brief period from 1996 through January 1998. The current operator J&D Group (dba City Bistro) opened in January 1998. The current contract provides a management fee or subsidy of \$1,250 per month with the City obligated for custodial and maintenance of City-owned equipment. The City Bistro's contract expired April 30, 2005 with the option to renew for one additional year.

J&D Group (Bistro) was requesting an increase in their monthly management payment of \$1,250 to \$2,500 per month with the City continuing the custodial and maintenance. The Bistro had not been able to maintain the level of business needed to continue a viable business without an increase in the management payment.

The City Council requested staff to send a Request for Proposal for cafeteria concession privileges versus amending the current contract to increase the monthly allocation.

An RFP was sent to 105 potential vendors. A pre-proposal conference was held at City Hall to respond to any questions concerning the operation of the cafeteria. Four proposals were received and evaluated. The selection committee interviewed three vendors and unanimously selected J & D Group as the recommended vendor based on their ability to meet the requirements and their staff qualifications, experience and expertise.

Under this proposal, the City Bistro would continue with a lunch menu (includes a hot bar with daily entrees) and variety of vegetables, grilled sandwiches, soup bar, salad bar, wrap bar, dessert bar, deli sandwich bar and snack stations along with a full breakfast menu which includes hot and cold selections.

The Bistro provides a convenient place for employees (and visitors) to have breakfast/lunch. It has some advantages of saving employee's time from going out to lunch and is looked upon as an employee benefit offered by the employer.

The Law Department will review and approve the contract as to form.

Under the terms of the agreement, the City's annual base commitment would not exceed \$24,000 annually or \$2,000 per month, excluding custodial and any maintenance costs. The funds are included in the revised budget.

Motion--

Mayans moved that the contract with J&D Group, Inc. (dba City Bistro) for a period of one year with two one-year annual options in the amount of \$24,000 annually or \$2,000 per month be approved.

--carried

Motion carried 7 to 0.

## SOUTHERN RIDGE

### SOUTHERN RIDGE THIRD ADDITION, SOUTH OF PAWNEE, WEST OF MAIZE. (DISTRICT IV)

Agenda Report No. 05-0735

The City Council approved the water distribution system, sanitary sewer, storm drainage, and paving improvements in Southern Ridge 3rd Addition on March 22, 2005.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water, sanitary sewer, storm drainage, and paving in Southern Ridge 3rd Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

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Payment to Baughman will be on a lump sum basis of \$69,200, and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--  
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## PROPERTY ACQ.

### **2351 SOUTH LULU STREET FOR PAWNEE WIDENING IMPROVEMENT PROJECT FROM WASHINGTON TO HYDRAULIC. (DISTRICT III)**

Agenda Report No. 05-0736

On October 21, 2003, the City Council approved the improvement and widening of Pawnee from Washington to Hydraulic. The project will require partial or total acquisition of 21 parcels, of which, 15 are single-family residences. The twelfth of the 15 residential acquisitions is a 1,466 square foot single-family residence at 2351 South Lulu Street. The property is frame construction with four bedrooms and one bath. The property is owner occupied.

The property appraised for \$81,000. In addition, the owner is entitled to up to \$20,700 in relocation benefits. The owner has agreed to accept \$81,000 for the property. The improvements will be removed and the site utilized for widening Pawnee, placement of the sidewalk and landscaping.

The funding source for the project is General Obligation bonds and Federal monies. A budget of \$107,200 is requested. This includes \$81,000 for the acquisition, \$20,700 for relocation, \$5,000 for demolition and \$500 for title work and closing costs.

The Law Department has approved the contract as to form.

Motion--  
--carried

Mayans moved that the budget be approved and the necessary signatures authorized. Motion carried 7 to 0.

## PROPERTY ACQ.

### **PORTION OF 5862 SOUTH HYDRAULIC: HYDRAULIC IMPROVEMENT PROJECT. (DISTRICT III)**

Agenda Report No. 05-0737

South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. Continuing the improvement south from 57th Street South to 63rd Street South will provide an improved transportation corridor to Wichita's south city limits. On December 14, 2004, the City Council approved the widening of Hydraulic between 57th Street South and 63rd Street South. The project will widen Hydraulic to four lanes, install a storm water drainage system and sidewalks. This project requires the partial acquisition of three tracts. One tract is a portion of 5862 South Hydraulic. The property contains 5.1 acres and is improved with a single family residence.

The acquisition of will require a 4,543 square foot strip of land adjacent to Hydraulic and was appraised at \$1,590. The appraiser included no compensation for the cost to reset the two existing driveway posts and gates. Written estimates were obtained and the owner has agreed to accept the \$825 for resetting the posts and gates at both driveways. An offer of \$2,415 for the land and the resetting of the two driveway posts and gates have been accepted by the owner.

The funding source for the City share is General Obligation Bonds. A budget of \$2,715 is requested. This includes \$2,415 for the acquisition and \$300.00 for closing costs and title insurance.

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The Law Department has approved the contracts as to form.

Motion--  
--carried

Mayans moved that the budget and Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **SIDEWALK REPAIR     SIDEWALK REPAIR ASSESSMENT PROGRAM. (DISTRICTS I, III, IV, V, VI)**

Agenda Report No. 05-0738

State Law and City Policy provide that sidewalk maintenance is the responsibility of abutting property owners. When sidewalk trip hazards are identified, property owners are required to make repairs, either with their contractor or with the City's contractor. Property owners who use the City's contractor have the opportunity to spread the cost over five years as a special assessment.

An Ordinance has been prepared to establish authority to use special assessment funding for the current list of repaired sidewalks.

Statements of Charges will be mailed to the property owners on August 19 2005. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the July 2005 bond sold. The principal and interest will then be spread over 5-years and placed on the 2006 tax roll.

These assessments are in accordance with City Code 12.18.

Motion--  
--carried

Mayans moved that the proposed assessments be approved and the ordinance placed on first reading. Motion carried 7 to 0.

### **ORDINANCE**

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, introduced and under the rules laid over.

## **TRANS FUNDS     TRANSFER OF FUNDS.**

Agenda Report No. 05-0739

In 1992, the City Council approved a Sanitary Sewer Master Plan and the associated projects. This was the first undertaking since 1971. The 1992 plan assessed the City's sanitary sewer service needs through the year 2010. After adoption of the 1992 plan, Staff recommended that the City update it on a routine basis to insure that the recommendations and projects being implemented remained relevant to the City's needs. Then again on May 4, 1999, the City Council approved a Sanitary Sewer Master Plan Update for 2000.

The 2005 CIP includes an update to the Sanitary Sewer Master Plan. The 2005 update will include:

- analyzing EPA requirements
- determining growth areas and projected populations
- determining sewer basins
- review and development of the Sewer Utility Capital Improvement Program
- evaluating economic and non-economic factors for proposed alternatives for recommended projects

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The Staff Screening and Selection Committee selected Professional Engineering Consultants for the update and negotiated the scope of services. It was found that additional funds would be required to complete the necessary items in the update. The present sanitary sewer computer model is dated and cumbersome to use. The scope of services includes a process to evaluate current sanitary sewer software models, purchase the model and convert data to the selected model.

Staff determined that an additional \$100,000 is required to complete the update to the 2005 Sanitary Sewer Master Plan. The budget for the 2005 update is \$250,000. Mains for Future Development has funding of \$2,500,000 available. Staff recommends transferring \$100,000 from Mains for Future Development (CIP S-5) to Sewer Master Plan Update (CIP S-508).

Motion--  
--carried

Mayans moved that the transfer of funds from CIP S-5 to CIP S-508 be approved and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO. 05-421

A resolution amending Resolution No. R-05-096 pertaining to the Sanitary Sewer Master Plan 2005 Update (S-508) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

## 2005 INSURANCE

### 2005 INSURANCE PROGRAM.

Agenda Report No. 05-0740

Annually the City contracts for a number of services and insurance policies to provide coverage for risks not covered by the self-insurance program and provide appropriate insurance coverage for the City of Wichita and its employees. These policies include property, data processing, boiler/machinery, burglary/theft, employee dishonesty, excess workers compensation and helicopter general liability. The services included in these programs include outside appraisal services, medical bill review, and nurse case management for workers compensation, employment physicals, drug tests, and vehicle rental services for private claimants.

On December 7, 2004, the City Council approved a contract for insurance placement services with Marsh, USA. Subsequently, staff has placed insurance policies prior to their respective expiration dates of December 31, 2004, April 1, 2005 and July 25, 2005. The Department of Finance placed all of the 2005 insurance coverage on behalf of the City using competitive written quotations provided by Marsh, USA.

To protect City assets and reduce the risk exposure, the City has placed the following insurance coverage. The cost of these insurance policies is included in the Comprehensive Annual Financial Report. The 2005 insurance program is as follows:

Property Insurance - All City owned buildings (approximately 250) and contents are covered against perils. The total insurance value is in excess of \$475 million and is placed with Allianz Insurance Company. The premium is \$341,233 annually. The City maintains a separate policy for property, liability and boiler insurance on behalf of the Public Building Commission on the State Office Building. Property coverage limits are \$25 million. In addition, the Public Building Commission policy also includes general liability coverage of \$2 million placed with Western Heritage Insurance Company. These premiums total \$54,610.

Workers Compensation Insurance (Excess Coverage) - The City self-insures exposure to Worker Compensation costs, as permitted under KSA 44-505(f). However, the City does purchase excess workers compensation coverage with retention of \$750,000 per occurrence (as required for self-insured by KAR 51-14-4). The annual premium is \$149,499 and this insurance is placed with Safety National Casualty Insurance Company.

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**Crime (Burglary/Theft) Policy** - This policy covers losses due to employee theft, due to other theft or robbery, due to forgery of documents, due to computer fraud (fraudulent transfers of funds) and due to acceptance of counterfeit currency or money orders. Depending on the type of loss, policy limits range from \$500,000 to \$1 million. The premium cost is \$7,018 annually and the policy is placed with Hartford Fire Insurance Company.

**Travel Accident Insurance** - This policy provides insurance against the loss of life or limb of City employees and officers while traveling on bonafide City business. The policy limit is \$500,000, with the loss per individual limited to \$100,000. Premium costs are \$1,700 annually and the policy is placed with Zurich American Insurance Company.

**Helicopter Liability** - The City maintains liability and hull insurance on the MD 500E helicopter operated by the Police Department. Liability insurance of \$500,000 per occurrence is included, as well as \$12,000 in medical payments per occurrence. The helicopter hull is insured for \$1.2 million. The helicopter insurance premium is \$49,249 annually and the policy is placed with AIG Insurance Company.

**Art Collection** - The Wichita Art Museum maintains coverage on the fine arts collections. This policy provides \$70 million in coverage for art within the Museum, as well as \$20 million for art in transit or at other locations. The premium cost is \$27,065 annually and the policy is placed with ACE American Insurance Company.

**Federal and Out of State Liability** - Staff are in the process of placing liability insurance providing coverage for federal and out-of-state actions. Coverage of \$20 million will be placed with a premium cost budgeted at not to exceed \$130,000 with AIG Insurance Company.

**Airport General Liability** - The Airport has maintained \$50 million in general liability coverage. The annual premium is \$42,973. The current policy expires on July 25; based on an industry review, staff has recommended \$100 million in general liability coverage at an annual premium of \$67,405. The Airport Authority concurs. The insurance policy is placed with ACE American Insurance Company.

**Airport Underground Storage Tanks** - The Airport Authority maintains liability insurance on 24 underground storage tanks at the airport. Liability limits are \$1 million per incident. The annual premium is \$3,400 and the renewal date is April 1. The insurance policy is placed with Great American Alliance Insurance company.

**Airport Skycap** - The Airport Authority maintains liability insurance to Harrison Armstrong, who contracts with the City to provide skycap services at Mid-continent Airport. This insurance requirement is included in the service contract with Mr. Armstrong and is renewed on April 1. The policy limit is \$600,000. The annual premium is \$1,919 and the policy is placed with U.S. Fidelity and Guaranty Insurance Company.

The City self-insures for general liability using a Tort Fund administered by the Department of Law. Funding for the Tort Fund is provided through the general fund and water and sewer funds.

Primary workers compensation costs are self-insured by the City. As required by State statute, the City purchases an excess policy to pay for any claims in excess of \$750,000 per occurrence. The 2005 premium for this coverage is \$149,499 and the policy is placed with Safety National Casualty Corporation.

The City currently utilizes Via Christi/Riverside to provide comprehensive pre-employment physicals and AMS Laboratory for drug tests on all potential employees. Corvel services are used for workers compensation claims that require nurse case management and to reprice billings when utilization is through the providers' network. Corvel charges an hourly rate for nurse case management and a percentage of savings for the repricing of City medical bills. The City pays Corvel 25% of the savings Corvel achieves via greater negotiated discounts with medical providers than can be negotiated independently by the City.

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Heartland MRI is used for all imaging services required for diagnosis of work related injuries. The negotiated fee for these services is \$600 per MRI, including the read. This reflects an approximate 50% savings over the State of Kansas mandated fee schedule for these services. All required physical therapy for work related injuries is provided by TheraCare on a negotiated fee structure of 75% of the state mandated fee schedule.

Automobile liability is self-insured by the City. The services of Harrington Appraisals is used to provide damage estimates on private claimant's cars and vehicle and salvage valuations on all total losses. The City has also negotiated an insurance rate with Enterprise Rent-A-Car of \$19.99 per day when the City is required to provide substitute transportation while a private claimant's vehicle is being repaired.

The premiums for the insurance policies and related programs and services are appropriated in the adopted budget. Several premium costs are re-allocated to Departments through the establishment of auto liability, building and contents, and workers compensation insurance rates. Coverage for the Police helicopter is budgeted and expended in the Police General Fund budget. Airport specific coverage's are budgeted and expended in the Airport Fund.

The City's liability on tort claims is limited under KSA 75-6105 to \$500,000 per claim. The City is allowed to self-insure worker's compensation based on KSA 505(f), although excess workers compensation coverage is required under KAR 51-14-4. City Code 2.64.020 (h) authorizes the Purchasing Manager to negotiate the purchase of insurance coverage.

Motion--  
--carried

Mayans moved that the 2005 Insurance Program be received, filed and ratified. Motion carried 7 to 0.

## GROVE PARK

### GROVE PARK IMPROVEMENT PHASE II. (DISTRICT I)

Agenda Report No. 05-0741

On January 11, 2000, City Council approved funding for the Phase I, Master Plan Implementation for Grove Park improvements.

Bids were received on February 15, 2002, for these improvements, which included roadway paving, parking lots, sidewalks, playground, football field, drinking fountain, and a bike path/trailhead.

This project will complete the planned improvements in Grove Park, which include a new entry sign and landscaping, restroom/concession facility and a golf range.

Plans and specifications have been prepared for these improvements and are ready to be bid.

The project is authorized the approved 2005-2014 Capital Improvement Program (CIP) (Project No. 395185, OCA No. 785053) at \$600,000. The funding source is General Obligation bonds.

The Law Department has approved the Resolution as to form.

Motion--  
--carried

Mayans moved that the Resolution be approved; initiation of the project and the necessary signatures authorized. Motion carried 7 to 0.

### RESOLUTION NO. 05-422

A resolution authorizing a project to design and construct certain improvements in Grove Park; authorizing the issuance of bonds of the City of Wichita, Kansas, to pay all or a portion of the cost thereof, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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## **KINGSBURY TRACT RESTRICTIVE COVENANT FOR KINGSBURY TRACT. (DISTRICT VI)**

Agenda Report No. 05-0742

The Kingsbury Tract is generally located north of K-96 Highway (and the Brooks Landfill), east of Hoover Road, south of 49th Street North (extended), and west of the Arkansas River (and the Brooks Landfill).

The City Council selected Quik Sand as the preferred developer for aggregate mining on the Kingsbury Tract to create water features for future park development on February 10, 2004. A lease agreement was approved by the City Council on October 19, 2004.

The City and Quik Sand, Inc. were co-applicants on Conditional Use CON 2004-45 to allow aggregate mining on. The Metropolitan Planning Commission approved the Conditional Use on January 27, 2005.

This restrictive covenant prohibits the depositing of foreign matter on the site and sets bank stabilization and fill material requirements as required under the Unified Zoning Code at Article III, Section III-D, gg. Compliance with these requirements is set out in Condition 1 of Conditional Use Resolution No. CON2004-00045.

The restrictive covenant does not impact the value of the property given the City's intended future use of the site as park space.

The Law Department has reviewed the restrictive and approved it as to form.

Motion--  
--carried

Mayans moved that the Mayor be authorized to sign the restrictive covenant and to have it recorded as appropriate and required. Motion carried 7 to 0.

## **MOU**

### **MEMORANDUM OF UNDERSTANDING WITH UNITED STATES GEOLOGICAL SURVEY FOR WATER CENTER EXHIBIT.**

Agenda Report No. 05-0743

The environmental education component of the Wichita Area Treatment, Education and Remediation (WATER) Center addresses water quality resources focusing on public education regarding hydrological processes, groundwater remediation, impacts to public health and the environment, and the inter-relationship between groundwater and the Arkansas River. The facility provides a unique and important educational destination for schools, civic groups, and the general public.

In 2003, a preliminary WATER Center education exhibit development plan was prepared by the firm of has selected Taylor Studios for the design and construction of the center's exhibits. The firm provided for the design of the exhibits for the Herman Hill/Gilbert-Mosley Environmental Education Facility. The draft contract has been reviewed by both the Legal Department and the Purchasing Department. Taylor Studios has performed other projects in area such as the "Fossil Dig" at Exploration Place and all of the new exhibits for Dillon Nature Center in Hutchinson conceptual exhibit designs though discussions and interaction with local and state educational institutions, staff, and other community organizations, and developed and provided a "design book" of proposed exhibits for the facility. The firm also developed projected construction costs to be used for funding solicitation.

The "Condition of the River" exhibit, originally designed by Taylor Studios, called for an interactive computer display that would educate visitors on water quality as well as provide "real-time" monitoring of pH, dissolved oxygen, temperature and flow of the Arkansas River. The USGS has agreed to sponsor the exhibit, not through a financial contribution, but through an in-kind donation.

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The WATER Center is continuing to seek additional grants and sponsorships to fund the museum exhibits.

The Department of Environmental Services is seeking authorization to enter into a Memorandum of Understanding with the United States Geological Survey (USGS) for an interactive exhibit at the WATER Center. The USGS has purchased an interactive computer kiosk and completed the programming that meets not only the mission of the WATER Center but also of the USGS. The kiosk is tied into the USGS's website, allowing them to do updates and maintenance from their home office. With the help of the IT Department, the WATER Center has installed a cable modem to service the kiosk.

A Memorandum of Understanding between the City of Wichita and the USGS needs to be signed to complete the exhibit installation process.

The exhibit costs will be shared between the WATER Center and the USGS. USGS will be responsible for the purchase and programming of the computer and kiosk (estimated donation value of \$26,000) as well as any updates or maintenance. The WATER Center will be responsible for the monthly Cox Communications cable line charge (\$70.00), and the construction (approximately \$1000.00 for material, labor will be donated by volunteers) and installation of cabinetry that will surround the kiosk.

The Law Department has approved the MOU as to form.

Motion--  
--carried

Mayans moved that the Memorandum of Understanding be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **WATERLINE**

### **WATERLINE EASEMENT ALONG 69TH STREET NORTH. (COUNTY)**

Agenda Report No. 05-0744

The City owns land in the east half of the section bordered by 69th Street North, 127th Street East, 77th Street North and Greenwich Road. This area is served by Rural Water District Number One. The water district has initiated a project to increase water pressure by looping water supply lines. To accomplish this, they need to construct a line along 69th Street North and through the middle of the section to 127th Street East. They have requested that the City grant them a 15-foot wide easement along the 725 feet that the City owns along 69th Street North and across the City ownership at the midsection line.

The easement grants the rural water district the right to construct and maintain the waterlines. The City parcels are currently leased for agricultural purposes. If the placement of the lines impact the use of the property, the water district will reimburse the tenant for any damages. The placement of the lines will provide the potential for future water service to the parcel. The location of the lines is such that they will not impact any development potential.

The cost to construct the lines will be borne by the rural water district.

The Legal Department has approved the easements as to form.

Motion--  
--carried

Mayans moved that the waterline easements be approved and the necessary signatures authorized. Motion carried 7 to 0.



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## CLAIM

### SETTLEMENT OF CLAIM.

Agenda Report No. 05-0745

This claim against the city results from an automobile accident between an automobile driven by a father with his thirteen-year-old son as passenger and a Wichita Police car at or near the location of 29th Street South and West Street. The accident occurred on July 7, 2004. Claimant alleges that the officer was negligent by turning into his lane of traffic. The claimant's vehicle struck the police vehicle from the side causing damage to the front of claimant's car.

After investigating the claim, evaluating the extent of the claimed damages, and considering the risks of trial, the City determined that a resolution of this matter was appropriate. After some discussion, the City has been offered an opportunity to resolve the claim with a lump sum payment to the father in the amount of \$30,500 and to the son, \$22,000 as full settlement of all claims arising out of these transactions. Settlement would include a full release of liability for the city and the individual Police Officer. Because of the risks associated with litigation, the Law Department recommends acceptance of the offer.

Funding for this settlement payment is from the Tort Claims Fund.

The Law Department recommends acceptance of the offer of settlement.

Motion--  
--carried

Mayans moved that the total payment of \$52,500 as a full settlement of all possible claims arising out of the transactions which are the subject of the claim be authorized. Motion carried 7 to 0.

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ JULY 26, 2005)

#### Nuisance Abatement Assessments.

- 1) An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.
- 2) An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

### NEW BUSINESS

## 2006 BUDGET

### 2006 ANNUAL OPERATING BUDGET AND REVISIONS TO THE 2005 BUDGET.

Kelly Carpenter

Director of Finance reviewed the item.

Agenda Report No. 05-0746

The 2006/2007 Proposed Budget has been presented to the City Council, including presentations at workshops and at District Advisory Board (DAB) meetings. Additional presentations have included separate discussions involving proposed increases in Water, Sewer, and Storm Water Utility rates. The City Council has received public comments on the proposed 2006/2007 budget, both formally at regular meetings of the Council and informally at each of the City's DABs. On July 19, 2005, the City Council placed the budget ordinances on first reading and authorized the publication of the hearing notices, establishing the maximum taxes levied for the 2006 City budgets.

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2006 Operating Budget. The proposed 2006 annual operating budget was officially published at \$462,487,358 – including all Tax Increment Financing (TIF) Funds and the Self-Supporting Municipal Improvement District (SSMID) Fund. Interfund transactions and appropriated reserves increase this amount to \$562,445,338. The inclusion of expendable trust funds, as required by law, is an additional \$55,251,660 for a total of \$617,696,998. The estimated mill levy for this budget would be 31.828 mills, no change from the levy for the current 2005 Adopted Budget.

The General Fund property tax levy is \$58,364,900 (including a delinquency allowance) at an estimated 21.828 mills. The levy for the Debt Service Fund is \$26,738,550 (including a delinquency allowance) and is estimated at 10.000 mills. The total tax levy is \$85,103,450.

There are a total of seven TIF Funds, two environmental TIFs (Gilbert & Mosley and North Industrial Corridor) and five economic development TIFs (East Bank, Old Town, 21st & Grove, Central & Hillside, and Old Town Cinema). The combined resources of the seven TIF Funds is \$13,973,970, of which \$6,168,660 is derived from property tax increments.

The SSMID Fund is included in the proposed budget assuming mill levy rate of 5.950 mills and a delinquency factor of 3%, the new valuation projections would result in \$572,230 revenue net of delinquency in fiscal year 2006 (2005 taxes levied). Factoring revenue from prior year delinquencies (\$26,060) and motor vehicle tax revenue (\$16,500) results in a total of \$614,790.

Jointly Funded Budgets. The General Fund includes City of Wichita contributions to the jointly funded City-County budgets, as identified in the table below.

2006 Proposed Budget	City	County	Revenue	Total
Flood Control	789,310	789,310	0	1,578,620
Metropolitan Area Planning	725,900	725,900	280,000	1,731,800

It is necessary for the City Council to approve joint agreements to continue these functions. The County Commission is expected to likewise approve the County share of these functions. It is also necessary to amend the current year contract for Planning, increasing the City and County shares from \$642,800 each to \$682,850 each, reducing anticipated revenue from \$281,650 to \$275,010, and revising the total from \$1,567,250 to \$1,640,710. There have been significantly lower than anticipated salary savings to-date and modestly higher contractual and commodity expenses.

2005 Revised Budget. In addition to action on the 2006 Budget, it is requested that action be taken to amend the 2005 Adopted Budget – as contained in the proposed budget submitted to the City Council:

1. The Economic Development Fund increase of \$3,829,890 is due primarily to the \$3.5 million funding for affordable air service (\$2.5 million from the City and \$1 million from the County).
2. The Old Town Cinema Tax Increment Financing Fund increase of \$381,280 is due to additional revenues received, which will be used to pay debt service on improvements in the TIF area.

The City Council previously approved the City's Water Utility to exercise the option of paying the State Clean Drinking Water Fee (in lieu of paying sales taxes on non-exempt items). The Water Utility line item budget neglected to remove amounts from individual line items and re-allocate those dollars in a single line within the contractual expenses to pay the Clean Drinking Water Fee. With the Council's approval, the proposed budget for the Water Utility will be amended to reallocate those line items. The amendment is cost neutral, and would reallocate \$355,050 through multiple line items within the budget to a single line item from which the CDW Fee will be paid.

The 2006/2007 Proposed Budget also contains projected increases for Water Utility rates, Sewer Utility rates, and the Equivalent Residential Unit (ERU) Storm Water Utility rate.

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Rate pressures in the Water and Sewer Utilities are driven almost exclusively by capital needs associated with major investments. These investments ensure the Utilities are able to keep pace with growth in the metropolitan area and guarantee a reliable source of water for the community through the year 2050. The proposed annual rate increases are 6% and 7% for the Water Service and Sanitary Sewer, respectively. The proposed rate schedules, under directives approved by previous City Council actions, also increase the outside City rate differential to sixty percent (60%). This is the fifth and final year of a phased program to increase the total rate differential.

A resolution is proposed that will authorize an increase in the Storm Water Utility ERU rate from the current \$1.50 to \$1.75 effective January 1, 2006, and to \$2.00 effective January 1, 2007. The additional funds will be used to finance approximately \$22 million in new capital projects currently scheduled to be designed, and constructed from 2006 through 2013. Additional projects could be financed from the rate increases, depending on the cost and construction schedule of the currently approved projects.

Publication of the notice of formal hearing on July 30 set the maximum dollars that may be expended in each fund. The City Council may reduce expenditures required (and proposed tax dollars to be levied) but not increase expenditures previously established and published.

Approval of the proposed rate increases in the Water, Sewer, and Storm Water Utilities will financially provide for the projects identified in the City's recently approved Capital Improvement Program (CIP) and sustain all current operations.

Publication requirements of State law for the final (formal) public hearing have been met. Appropriate disclosure is included within the ordinance of property tax increases not related to assessed value added by improvements, appreciating personal property and/or annexation. Following final Council action on the proposed budget, proper certification will be made of the property taxes to be levied in conformity with State law.

- Mayor Mayans Mayor Mayans inquired about the definition of a balanced budget. Stated that it is when annual recurring revenues offset annual recurring expenditures. Stated that it has been mentioned that this budget was balanced. Stated that if we follow the definition of a balanced budget in the book, which is recurring but we have it one time, how can we say it is a balanced budget.
- Kelly Carpenter Director of Finance explained that one of the items that they put in there for one time dollars was an administrative fee that they are charging to capital improvement program projects of 2% and they started this in 2003 and at that time the Wichita Area Builder's Association, (WABA), had questions on that charge. Stated that they then went back and reviewed with them and had an outside source look at the 2% and they and WABA approved that, so part of that money is a catch up from 2003, 2004 and 2005 and is a charge that they put in there that the "catch up" part will not go on to future years but the on-going of approximately \$300,000.00 will. Stated we also then had property sales and have them for every year but do not know how much that will total.
- Mayor Mayans Mayor Mayans asked how are we going to come up with \$1.4 million dollars next year. Stated that we have recurring expenditures here and that are on the opposite side of that one time money.
- Kelly Carpenter Finance Director stated that they show that 2007 is not currently balanced and the union negotiations have not been finalized for 2007 and there are a lot of unknowns out there and cannot give a definite answer as to how we are going to come up with the \$1.4 million and balance the 2007 budget. Stated that hopefully there will be some higher revenues or reduction of expenditures through technology improvements.
- Mayor Mayans Mayor Mayans stated that as he looks at the projections made, assumes that we are going to have revenue growth of 3.2 annually, with much higher expenditure rate of 3.3. Stated that he is trying to figure out how it is that we can spend more than we receive and catch up at some point in the future.

(Council Member Skelton momentarily absent)

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- Unidentified speaker Stated that he attended some budget presentations, spoke with the finance staff and the water department and that everybody in these departments were very cooperative and forthcoming. Stated that they do a good job of making the presentation. Stated that he looked at the 6 and 7% water and sewer increase and examined the history from 1990 until this year and every year this is the only department that manages to sneak up about 3 to 4% more. Stated that this trend will continue and he is proposing to the Council that we need to examine how well this department is operating, utilizing their resources and contracting versus in-house work. Stated that they also need to examine what equipment that they can purchase in-house, which they can amortize over a long period of time and save a significant amount of money to the taxpayers. Stated that the average person in Wichita cannot absorb these 6 and 7% increases and that a 1.5% ERU increase is not justified. Stated that giving them more money will not necessarily improve the services. Recommending that the Council not approve an increase in the sewer or water rates and hold it steady and examine what can be done to hold down the costs in the future. Stated that the Police Department has done an excellent job in solving major crimes but thinks that they fall flat on their back in solving little crimes. Stated that he has reported at least 100 of them and they have not solved a single one. Stated that these small crimes turn into big crimes and think that they need to switch some of their resources to solving small crimes.
- Karl Peterjohn Mr. Peterjohn stated that he is the Executive Director of the Kansas Taxpayers Network and wrote to each of the Council Members in July expressing concern about the fact that we were going to go through this charade that property taxes are not being increased. Stated that it is the unelected appraiser and increasing valuations that actually serve as the property tax increaser in most local governments. Stated that when you look at the budget before you, you not only have to consider the property tax portion, which is 4.9% this year. Stated that the Council can say that the mill levy has not increased but when people have to pay their bill, it is costing them more and more to live in this community. Stated that the fact that the Council is considering a 33 % increase in the storm water tax, is way out of line with inflation and with the cost of providing a service. Stated that people have to pay special assessments in addition as well as the on-going regular sewer and now also the storm water tax. Stated that the 6 and 7% water and sewer rate increases seem to be an annual event. Stated that this Council ought to look at and consider the alternative of privatizing the water and sewer service department because of these increases that are occurring and seem to have no end in sight. Stated that as staff pointed out that you have a \$450.3 million dollar budget in a city of roughly 350,000 people and that is about \$1300.00 per person per year in expenditures or over \$5,000.00 for a family of four. Stated that when he looks at visual expenditures that have occurred in the past, and his favorite of dubious City expenditures is the \$369,000.00 spent for the lights at McLean and West Central, we have a City that has a spending problem. Stated that you also have \$3.5 million dollar subsidies for airlines and that is leading to the argument of spending millions of more to expand the airport because of a demand for the services. Stated that the Council has a proposal in front of them to expand security at City Hall remodeling and finds that ironic because he thinks of Dennis Rader of being much more of a threat outside of City Hall then when he was in City Hall. Stated that when he looks at what the goals ought to be, we need to have a community and the Council needs to adopt a budget that provides for a better place for Wichitans as a place to live, work and grow. Urged the Council to re-examine the priorities within this budget, make the changes that are needed and be more responsive to the private sector.
- Mayor Mayans Mayor Mayans stated that you talked about the mill levy and the appraised values and made the comment that the Council made the statement that the mill levy has not been increased in 14 years. Asked Mr. Peterjohn, if that is not a true statement.
- Karl Peterjohn Mr. Peterjohn stated that the mill levy for the City of Wichita, there has been some fractional adjustments but the basic figure is very close to where it was in the early 1990's.
- Mayor Mayans Mayor Mayans stated that on the issue of the appraisal and whether we have more new homes, is there a role that we play on the appraisal and is not the state and the county associated with the appraisal process.
- Karl Peterjohn Mr. Peterjohn stated yes, it is controlled by state law and the county appraiser operates on the direction of the property valuation division, which is part of the Department of Revenue but the City is a beneficiary of that structure.

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- Mayor Mayans Mayor Mayans stated that he wants to make sure that the people understand that the mill levy has not increased and because the county and the state appraisal process increases the revenues, which we benefit from, it is not like we are not telling the truth because we are. Stated that there has been no effort to mislead anyone on the budget because all of those numbers are in here. Stated that he does not disagree with Mr. Peterjohn on the water and sewer rates and has had discussion regarding that.
- Andrew Coleman Mr. Coleman stated that he is with Archer Appraisers, LLC, and is in support of raising the property tax. Stated that he resides in Riverside and there are a lot of homes in bad condition in that area and does not think that this increase will affect a lot of people as dramatically as some people think. Stated that Wichita is on the rise and that there has been a lot of new construction and Wichita itself geographically is expanding. Stated that he is living in a house that is 81 years old and does not mind paying a little more for that area and have seen the sidewalks in his area being fixed and if that is what the money is going towards, he will pay \$2,000.00 a year in property taxes. Commended the Council on their efforts to further the budget for development.
- Cybil Strum Ms. Strum stated that she is opposed to a property tax increase and asked why is it when big businesses go under, the tax payers have to pick up the pieces. Stated that she has noticed a lot of abandoned buildings in Wichita and thinks we should use these buildings for the Youth of America and making a safe place for kids to go. Commented on the lights at McLean and West Central and said that they do not look that good and are not helpful.
- Council Member Gray Council Member Gray stated that for the record he would like it to be known that most of this Council was not here when the lights at McLean and Central were put in.
- James Barfield Mr. Barfield stated that he is dismayed and continues to see each year when passing the budget that they expend more money than the previous budget. Stated that we overlook one very important factor, which is safe streets. Stated that the issue he is talking about is a problem area that continues to get worse each year and appears to get less consideration from the Council each year and that is flooding. Stated that this is not isolated to any one district but all over town. Stated the Council has a judiciary responsibility when approving the budget, to see to it that the taxpayers and the drivers have safe streets.
- Dan Rouser Mr. Rouser stated that he is here today as a property owner and fully supports the fact that the Council looks forward in the City and the CIP looks forward 10 years. Stated that part of looking forward is the intersection of Central and McLean and thanked the Council for their efforts to look forward.
- (Council Member Fearey momentarily absent)
- Mayor Mayans Mayor Mayans stated that there is great information in the detailed and executive budget and thinks at some point we have to cut expenditures and that his fear is that next year, the fact that we have \$1.4 million dollars as a one time revenues and will be negotiating contracts with fire and police, fuel prices and interest rates are increasing, he sees a train wreck happening next year financially if we do not do something about it. Stated that he has talked to the Council Members and there is a difference of opinions and that he would like to propose that in the general fund budget which is 40% of the total City budget, a 1% cut exempting fire and police in the 2006 budget, which translates to \$787,675.00 in the balance of the budget.
- Motion-- Mayans moved to propose a 1% cut in the 2006 general fund budget exempting the fire and police departments.
- Council Member Skelton Council Member Skelton stated that the Mayor's motion is very interesting and will second his motion but would like to add that fire and police are very critical to this City and defined by him as basic City services. Stated that we should also consider other areas to be exempt, and address these areas with the money saved, which are public works, environmental services, parks and recreation and the library.

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- Council Member Martz Council Member Martz stated that he understands the concern of cuts and is very concerned also at this point in time but today it is very important that we have a balanced budget and not sure how we go about making a cut in what is being proposed and still maintain a balanced budget. Stated to come up with this kind of proposal at this point without having time to consider this and that we have had 16 different sessions total in talking about budget changes and thinks this should have been brought up at a prior date other than today. Stated we need to continue to work on the budget and look at ways of cutting expenditures but at this point in time does not think that this is the day and time to make these cuts. Stated that he is going to oppose this deduction in the budget.
- Mayor Mayans Mayor Mayans stated that regarding the issue of a balanced budget, if we were to ask the manager to implement that rather than the Council micro-managing each department, each department head would then be instructed to find a 1% cut in each of their departments. Stated that he does not feel that this is a problem. Stated regarding the issue of whether this is the right time or not to bring this up, we cannot take a vote during the workshops regarding amending the budget. Stated that the Council did not receive the budget until July 12<sup>th</sup> and on July 19<sup>th</sup> the City Council was asked to authorize publication and there was not a Council Meeting the next week. Stated that on August 2<sup>nd</sup>, that was the public hearing and he specifically asked at that time if there were any amendments or changes and no one produced anything. Stated that he had mentioned in the workshops to look at a 1% cut and other members on the Council had made suggestions of other types of cuts. Stated that it is never too late and that this is one of those days where it is very appropriate and his concern is that next year we are not going to have the money for the firefighters and the police officers and we will be \$1.4 million dollars in the hole from this year because we had the one time revenues and we have an increase in fuel costs, a cost of living close to 4% if fuel prices continue to rise and interest rates continue to rise and we are not going to have the money and there will be discussion about increasing the mill levy or some huge drastic measures in cuts. Stated that he is just trying to say, let's try to catch up \$700,000.00 this time and then pray that next year that we are in a better financial situation.
- Council Member Brewer Council Member Brewer stated that we are going to continue to have issues that are going to come up as far as negotiations and public safety and thinks that public safety is the number one priority to each Council Member. Stated that there are some areas where we cannot afford to make a 1% cut, such as parks and recreation, which would have a significant impact. Stated that there is no doubt that he would be opposed to that because parks and recreation is going to be a big issue or we are going to have to start shutting down some. Stated that the important question has not been asked, which is, what is the impact for each one of those organizations or what is the impact on that budget. Stated that this is an important factor when making cuts. Stated that we need to move cautiously regarding this because the 1% that we cut could be in some particular areas that we do not want cut.
- Council Member Fearey Council Member Fearey asked staff that the \$1.4 million is a one time revenue, is the expense for the airline subsidies a one time expense.
- Kelly Carpenter Finance Director explained that it is not in the general fund as a onetime expense but is in economic development as a one time expense. Stated that there are some expenses within the general fund where she could pull out that are in the general fund that are offset by that revenue as one time expense. They could be a one time capital purchase or a one time technology purchase and to offset that \$1.4 million dollars, they try not to budget any ongoing expenditures or revenues unless they are offset by ongoing revenues.
- Council Member Gray Council Member Gray stated if this is going to happen he sees this as savings and not turning around and spending it on somewhere else as Council Member Skelton suggested. Stated he thought this was an effort to decrease the budget and not redistribute portions of the budget to other departments.
- Council Member Schlapp Council Member Schlapp stated that she is not a person who wants to increase taxes and would like to see us cause some spending cuts. Stated that as far as passing the budget today, there are too many questions to address before we jump into this and will be voting that the budget be passed today. Stated that she has already talked to the manager on how this City can actually save some of the spending that we incur.

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- Council Member Skelton Council Member Skelton stated that he would like to clarify a point to Council Member Gray. Stated that the City's street maintenance program is under-funded and one of the goals that he would like to see is to completely fund the street maintenance program. Stated that this would be a particular area that we could address with some savings.
- failed Motion failed 2 to 5, (Nays-Martz, Schlapp, Gray, Fearey, Brewer)
- Motion-- Fearey moved that the public hearing be closed and the 2006 budgets (with the changes reflected in attachment A and for the Water Utility Clean Drinking Water Fee be approved and the necessary budget ordinances, including those for the tax increment financing (TIF) districts and the self-supported municipal improvement district (SSMID) be adopted; the amending the 2005 budget for the Economic Development and Old Town Cinema TIF funds be approved; the joint agreements with Sedgwick County (including amendments to the 2005 City-County Metropolitan Area Planning operating budget) be approved; the proposed new schedule of rates and charges for Water Service be approved and the ordinance placed on first reading; the proposed new schedule of rates for users of the Sanitary Sewer system be approved and the ordinance placed on first reading; the resolution authorizing an increase in the Storm Water Utility Equivalent Residential Unit (ERU) rate be adopted and the use of local funds derived from property within the corporate limits for the Wichita State University Board of Trustees (Interlocal Agreement between the City and County) be approved.
- Council Member Gray Council Member Gray stated that in light of the previous motion, which he thinks had a lot of merit. Stated that he is going to vote in favor of passing the budget because it has to be accomplished today but he Mayor had reasons for his previous motion and he thinks it is something that needs to be looked at and not as just a suggestion that we make to the manager but something that we ask the manager in the motion to come back to us in the very near future with some proposed changes to the budget in regards to cutting expenditures. Stated he agrees with the Mayor that we are in a potential situation of seeing some serious revenue losses next year and not having a balanced budget in the oncoming future. Stated that he would appreciate it if the motion could be modified, that staff come back to us with expenditure savings within the next couple of months so that we could amend the budget.
- Council Member Fearey Council Member Fearey stated that she would prefer to have the motion stand as it is but we can still direct staff to do that without having it be a from the bench part of the motion. Stated that she does not mind directing staff and thinks that we do get updates every three months with the quarterly reports and could change those to be a scheduled workshop items every quarter.
- Council Member Schlapp Council Member Schlapp stated that she agrees with Council Member Gray as far as being appraised of what is going on is one thing but would like to see some great discussion and some stepping up to the bat of where we can save some money on spending. Stated that it is not just a matter of being appraised but thinks that we need to actually take a good hard look at where we can save some money. Stated that if we do this in a motion, she does not see a problem but would like to first accept the budget and then make that recommendation.
- Kelly Carpenter Finance Director stated that they can certify the budget at the \$177 million dollars, just for the general fund and can always implement at any time a revision to that budget to reduce any future expenditures after proposals have been brought forward to the Council.
- carried Motion carried 5 to 2, (Nays-Skelton and Mayans).
- Mayor Mayans Mayor Mayans stated that he voted no on the budget because we were not able to cut it and that he also has concerns with the water and sewer rates. Stated that he thinks they keep continuing to increase and the prices are becoming exorbitant.
- Motion-- Gray moved to direct staff to come back to Council within two months with proposed budget changes that are not construed in the way where they are taken from essential services that we offer and to consider a portion of the Mayor' proposed budget in regards to omitting fire and police from that.
- Council Member Skelton Council Member Skelton stated that he thought that we could not amend this budget once it is adopted.

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- Kelly Carpenter Finance Director explained that they would not formally amend this, it would be just an internal revision to their accounting system. Stated that if they found some expenditure reductions, they could go in and make those on their internal system. Stated that it is not a formal revision to the budget.
- Council Member Skelton Council Member Skelton asked Council Member Gray to clarify his motion.
- Council Member Gray Council Member Gray explained that he is directing staff to go out and seek ways to cut the budget expenditures in relationship to what the motion was that Mayor Mayans made in regards to a 1% budget cut and also in regards to omitting the police and fire because that motion failed but it was a very good idea and had a lot of merit. Stated that he would like to see that it still remain breathing and try and move forward with it in some fashion.
- Council Member Martz Council Member Martz stated that he is not opposed to this motion but thinks it could be justified in simply saying that we can always make adjustments to the budget by simply not approving the expenditures and that this would be one of the ways we could do this. Stated that he thinks that this is something that is being mindful as the year progresses, looking at items as they come up and not approve those expenditures and that is another way that we can also help in reducing costs.
- Kelly Carpenter Finance Director asked if they could wait until the end of October and come to the Council in an October workshop, they would then have the third quarter results back from September and have a better idea of revenue projections for the future and also expenditure projections.
- Council Member Schlapp Council Member Schlapp stated that she would like to recommend to make this very general and have this within two months that staff come back with recommendations of places where we might cut expenditures and not put any parameters on it.
- Amended Motion--  
--carried Gray moved to direct staff to come back to the Council on or before October 30<sup>th</sup> with expenditure savings to amend the budget. Motion carried 7 to 0.

## RESOLUTION NO. 05-423

A Resolution increasing the equivalent residential unit (ERU) rate for the storm water utility for the years 2006 and 2007 and repealing Resolution No. 04-681 effective January 1, 2006, presented. Fearey moved that the Resolution be adopted. Motion carried 5 to 2. Yeas: Brewer, Fearey, Martz, Schlapp, Gray; (Nays-Skelton and Mayans).

## ORDINANCE NO. 46-637

An Ordinance making and fixing general tax levy for the City of Wichita, Kansas, for the year beginning January 1, 2006, and ending December 31, 2006, and relating thereto, and concurrently approving certain amendments to the 2005 adopted budget, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 2. Yeas: Brewer, Fearey, Gray, Martz, Schlapp; (Nays-Skelton and Mayans).

## ORDINANCE NO. 46-638

An Ordinance making and filing an increment in ad valorem taxes for the Gilbert and Mosley Site Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2006, and ending December 31, 2006, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 2. Yeas: Brewer, Fearey, Gray, Martz, Schlapp; (Nays-Skelton and Mayans).

## ORDINANCE NO. 46-639

An Ordinance making and filing an increment in ad valorem taxes for the North Industrial Corridor Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2006, and ending December 31, 2006, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 2. Yeas: Brewer, Fearey, Gray, Martz, Schlapp; (Nays-Skelton and Mayans).



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## ORDINANCE NO. 46-640

An Ordinance making and fixing general tax levy for the Downtown Wichita Self-Supported Municipal Improvement District for the year beginning January 1, 2006, and ending December 31, 2006, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 2. Yeas: Brewer, Fearey, Gray, Martz, Schlapp; (Nays-Skelton and Mayans).

## ORDINANCE NO. 46-641

An Ordinance making and filing an increment in ad valorem taxes for the East Bank Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2006, and ending December 31, 2006, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 2. Yeas: Brewer, Fearey, Gray, Martz, Schlapp; (Nays-Skelton and Mayans).

## ORDINANCE NO. 46-642

An Ordinance making and filing an increment in ad valorem taxes for the Old Town Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2006, and ending December 31, 2006, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 2. Yeas: Brewer, Fearey, Gray, Martz, Schlapp; (Nays-Skelton and Mayans).

## ORDINANCE NO. 46-643

An Ordinance making and filing an increment in ad valorem taxes for the Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2006, and ending December 31, 2006, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 2. Yeas: Brewer, Fearey, Gray, Martz, Schlapp; (Nays-Skelton and Mayans).

## ORDINANCE NO. 46-644

An Ordinance making and filing an increment in ad valorem taxes for the Central and Hillside Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2006, and ending December 31, 2006, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 2. Yeas: Brewer, Fearey, Gray, Martz, Schlapp; (Nays-Skelton and Mayans).

## ORDINANCE NO. 46-645

An Ordinance making and filing an increment in ad valorem taxes for the Old Town Cinema Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2006, and ending December 31, 2006, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 2. Yeas: Brewer, Fearey, Gray, Martz, Schlapp; (Nays-Skelton and Mayans).

## **CORRIDOR ACCESS    ARKANSAS RIVER CORRIDOR ACCESS PLAN. (DISTRICTS I, III, IV, V & VI)**

Doug Kupper

Director of Parks and Recreation reviewed the item.

Agenda Report No. 05-0747

The Strategic Plan and Visioneering Study identifies the Arkansas River as an important strategy of our goal to make Wichita and surrounding areas a more attractive place to live and enjoy. Through this process, citizens have voiced the need to make this valuable resource more accessible.

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The Arkansas River is considered a navigable stream and thus is designated as property of the state for public use. Currently, the Arkansas River has public accessibility in limited areas and some privately owned points. Any property beyond the high bank of the river is considered privately owned unless it is owned by a government entity. A stretch of the Arkansas River, which extends from Rice County to the Oklahoma border, has been identified as a region of the river that could be greatly enhanced with the development of additional access points.

In the early 90's, the Kansas Department of Wildlife and Parks (KDWP) began efforts to provide access points to the Big Arkansas River in Rice County, just northwest of Hutchinson, Kansas. At that time, several grants were given to develop these access areas to benefit canoeist and other river enthusiast. Currently, there is great potential to enhance and develop additional access points along the Arkansas River and make this valuable asset an attraction for area residents and tourist. The City has recently completed a canoe access launch point in Garvey Park and plans to build another Canoe Access launch at the South Arkansas Greenway later this year.

Earlier this year, city and state officials began discussions outlining strategies to make the river more accessible and consider how an overall comprehensive plan could include other communities and municipalities. A verbal agreement was made to share in the cost of a study to identify potential access points and develop a comprehensive master plan, which would aid in future development. The City and State are currently discussing adding partners with surrounding communities whom lie along the Arkansas River and with Sedgwick County. On May 2, 2005, the Kansas Department of Wildlife and Parks sent the City a "letter of commitment" by earmarking \$30,000 to do a joint study with the City.

The Park department and KDWP have tentatively agreed to focus on the Canoe trail from Hutchinson to Oxford, including the City of Wichita and Sedgwick County. It is the intent of this exercise to increase participation and raise additional funds from other communities and municipalities to increase this study from Rice County to the Oklahoma border.

The Arkansas River is one of the largest navigable rivers in Kansas and offers numerous recreational opportunities for City and County residents. The City of Wichita and the Department of Wildlife and Parks believe that the Arkansas River can become one of the longest canoe access systems in Kansas and perhaps the United States.

It will be necessary to closely evaluate current property ownerships and develop a working relationship with various coalitions and groups of citizens and residents to make this a successful venture. By developing a comprehensive plan the City, with the help of county and state officials, can provide a blueprint for future development. It will add much to the quality of life by increasing recreational opportunities for anglers, canoeists, hunters and other outdoor enthusiasts in the South Central Kansas Region.

The 2005 Park CIP provides \$30,000 in funding for Athletic Field Master Planning. The Park and Recreation Department requests substitution to participate in this study. A total of \$60,000 (\$30,000 from the State) in funding would be utilized to do a comprehensive plan from Hutchinson to Oxford. The City's Park and Recreation Department will take the lead role in managing this study in cooperation with the Kansas Department of Wildlife and Parks and possibly other governing bodies. Should additional commitments be made by other governing parties, the scope and cost of this study may increase.

The Law Department has approved the bonding resolution as to form.

Council Member Martz

Council Member Martz stated that this particular stretch is one of the largest stretches of rivers in the State of Kansas. Stated that we have the River Festival but you do not see much on the river except for one or two events and would like to use this as a way of expanding a facility through the summer months where people can get paddle boats, etc and use our river. Stated that we know that the river can be safe and could be better used than it is right now but there is practically no place to launch a boat in the City. Stated that part of the idea is to find a way to use our river, which is a great asset and get people to know how to use it and have access to it and this is part of that study working through accessing it.

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- Council Member Fearey Council Member Fearey stated that they did talk about this at the last Ark River Citizens Advisory Council and there was great support there. Stated the citizens were very excited about this and have seen more boating activity with the canoes and kayaks but what they hear is that it is very difficult for people to figure out where they can go to get in the river. Stated that we do not have mountains or beaches but that we do have a great river and is listed as a navigatable river and we need to utilize it.
- Council Member Gray Council Member Gray stated that we are spending a lot of money on revitalization of the river corridor area and asked if there will be any boat docks or launches from there.
- Doug Kupper Director of Parks and Recreation stated that currently you could tie up anywhere in the improved river corridor between the Douglas Street bridge and almost all the way down to Lincoln Street. Stated that where it is unimproved, where there are rocks and over growth, it is a little tougher to be able to come down stream and utilize the downtown core. Stated that as we do those improvements it makes it easier and more accessible at those points.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Andrew Coleman Mr. Coleman stated that back in February he and his neighbor approached the Parks and Recreation Department with an idea of doing a service of renting canoes on the river. Stated that they have been in negotiations with them because there is a city ordinance that says, no person, organization or business can profit from the use of the river. Stated that they liked their idea of providing more water access on the river, so they purchased eight canoes, which they have been providing to people for free to test it out and promote an overall sense of the usage of the river. Stated the development of the rural areas would be key because as of right now there is one dock in the Little Arkansas River, but thinks it was designed for power boats because it sits high. Stated that when the river is down, there is about a three foot drop. Stated that they have canoed on the big Arkansas River, downtown in the improved river corridor area and it is very easy to get in and out of the river but the closest place to park is at Century II so you have to carry your canoe up and over the hill to get to that area. Stated that his main concern that he has with the improvement of the rural areas and the rock banks is that, if they put docks and even ramps in there, there will be an increase traffic of power boats, which is going to decrease the ability of using canoes and kayaks.
- James Wallace Johnson Mr. Johnson stated that he is the President of Kansas Canoe and Kayak Association and encourages the Council to consider the cooperation with the Kansas Department of Wildlife and Parks (KDWP) for several reasons. Stated that during his paddling career he has watched people to try and paddle the Arkansas River, which they are allowed to under federal navigation laws and found that they have no access. Stated that for years people have been ticketed for trespassing for trying to put on from bridges and taking off on private property. Stated that even though they have guaranteed access to the navigatability of the river, they do not have guaranteed access to the land to put on and take off. Stated that his group represents nearly 500 members in Kansas who have dealt with this for years. Stated that the KDWP have recognized that the paddling community is a substantial community in Kansas and this is a small effort by the state and local agencies to see that these people have access to the very few places we have to paddle. Encouraged the Council to consider cooperating with them in identifying the accesses.
- Council Member Skelton Council Member Skelton stated that he would prefer to not hire a consultant and to either use the money to build access along the river in a known location or spend the money on some of our other parks that need playground equipment and as it is proposed today he is not going to support this today.
- Council Member Gray Council Member Gray concurred.
- Motion--  
--carried Mayans moved that the substitution of projects be approved; the bonding resolution adopted and initiation of the project and necessary signatures authorized. Motion carried 5 to 2, (Nays-Skelton and Gray).

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## PLANNING AGENDA

Motion-- Mayans moved to approve the Planning Agenda consent items as presented. Motion  
--carried carried 7 to 0.

**VAC2005-00026**      **VAC2005-00026-REQUEST TO VACATE A PORTION OF A PLATTED FRONT SETBACK  
GENERALLY LOCATED NORTH OF CENTRAL AVENUE AND EAST OF WEBB ROAD.  
(DISTRICT II)**

Agenda Report No. 05-0748

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicants are requesting consideration to vacate a portion of the north 30-feet of the platted 50-foot front yard setback,. The applicant's proposed vacation would allow the construction of a warehouse on this undeveloped "LI" Limited Industrial zoned southeast portion of Lot 1, Block 1, Kuhlman Addition. The Unified Zoning Code provides a 20-foot front setback for the "LI" zoning district. There are no utilities, sewer lines, manholes or water lines in the platted setback. The property is an undeveloped remnant of the greater portion of Lot 1, Block 1, the Kuhlman Addition that is a car wash; reference CON2000-36. The contract purchasers are not associated with the car wash owners, nor is their proposed warehouse use associated with the car wash. The Kuhlman Addition was recorded with the Register of Deeds on May 5, 1999.

The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion-- Mayans moved that the Vacation Order be approved and the necessary signatures authorized.  
--carried Motion carried 7 to 0.

**SUB2004-32**      **SUB2004-32-PLAT OF BANUELOS ADDITION, LOCATED NORTH OF 29TH STREET  
NORTH AND WEST OF BROADWAY. (DISTRICT VI)**

Agenda Report No. 05-0749

Staff Recommendation: Approval of the plat.

MAPC Recommendation: Approve the plat. (11-0)

This unplatted site, consisting of four lots on 1.1 acres, is located within Wichita's city limits.

A Petition for paving improvements was previously approved by the City Council, and a Certificate of Petition has been submitted. A No-Protest Agreement for the future paving of 30th Street North has also been submitted. Sewer improvements were handled as a private project.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petition and No-Protest Agreement will be recorded with the Register of Deeds.

Motion-- Mayans moved that the documents and plat be approved; the necessary signatures authorized and  
--carried the Resolution adopted. Motion carried 7 to 0.

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SUB2005-23

## SUB2005-23-PLAT OF OSBECK ADDITION, LOCATED WEST OF TYLER AND SOUTH OF KELLOGG. (DISTRICT IV)

Agenda Report No. 05-0750

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (8-0)

This site, consisting of five lots on 1.04 acres, is located within Wichita's city limits. This site has been approved for a zone change (ZON 2004-62) from SF-5, Single-Family Residential District to LI, Limited Industrial District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water and paving improvements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the document and plat be approved; the necessary signatures authorized; the Resolutions adopted and the Ordinance placed on first reading. Motion carried 7 to 0.

### RESOLUTION NO. 05-407

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90102 (west of Tyler, south of Kellogg) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

### RESOLUTION NO. 05-408

Resolution of findings of advisability and Resolution authorizing constructing pavement on Country View Lane, from the north line of Maple street, north to the north line of the Woods Reserve (east of 151<sup>st</sup> street west, north of Maple) 472-84259 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans

### RESOLUTION NO. 05-409

Resolution of findings of advisability and Resolution authorizing constructing pavement on Harry Street, from Seville, east to the east line of Osbeck Addition (west of Tyler, south of Kellogg) 472-84260 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

### RESOLUTION NO. 05-410

Resolution of findings of advisability and Resolution authorizing constructing pavement on Seville, from the north line of Osbeck Addition, south to Harry Street (west of Tyler, south of Kellogg) 472-84261 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

### ORDINANCE

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An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON 2004-62)

SUB2005-30

**SUB2005-30-PLAT OF THE WOODS RESERVE ADDITION, LOCATED EAST OF 151ST STREET WEST AND ON THE NORTH SIDE OF MAPLE. (DISTRICT V)**

Agenda Report No. 05-0751

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

This site, consisting of two lots on 1.4 acres, has recently been annexed into Wichita's city limits and is zoned SF-5, Single-family Residential District.

Municipal services are available to serve the site. Restrictive Covenants were submitted to provide for the ownership and maintenance of the proposed reserves. An Access Easement has also been submitted.

The City of Wichita is indicated as holding an interest in this property's ownership and is shown as one of the site's plattors.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Restrictive Covenants and Access Easement will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents be approved and the necessary signatures for approval of the plat and the City's ownership interest authorized. Motion carried 7 to 0.

**AIRPORT AGENDA**

Motion--carried

Mayans moved to approve the Airport consent item. Motion carried 7 to 0.

EASEMENT

**WATERLINE EASEMENT AT 4700 NORTH WEBB ROAD. (COUNTY)**

Agenda Report No. 05-0752

The Wichita Airport Authority acquired the property at 4700 North Webb Road via condemnation in 2003. Rural Water District Number One had an easement along the southwest corner of the property for a water service line. This easement, along with all other easements and claims on the property were canceled by the eminent domain. In order to document the waterline location, a new easement is required

The easement grants the rural water district the right to construct and maintain the waterlines. The easement does not impact any of the existing improvements. It also does not affect the buildable area of the site.

The cost to maintain the lines will be borne by the rural water district.

The Legal Department has approved the easement as to form.

Motion--  
--carried

Mayans moved that the waterline easement be approved and the necessary signatures authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

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## CITY COUNCIL

### **BOARD APPTS.**

### **BOARD APPOINTMENTS.**

- Council Member Fearey Council Member Fearey requested to appoint Francisco Banuelos to the Board of Code Standard and Appeals and Lonnie Wright, Keith Brewer and Ken Englert to the Board of Appeals of Plumbers and Gas Fitters.
- Council Member Gray Council Member Gray requested to appoint Ron Means, Larry Dougherty, Terry Irwin and Lyman Ray to the Board of Appeals of Plumbers and Gas Fitters. Stated that all of these are reappointments except for Lyman Ray.  
Requested to reappoint to the Board of Standards and Appeals, Richard Hartwell and Randy Coonrod as a new appointment.  
Requested to reappoint to the Board of Electrical Appeals, Larry Hackney, Jerry Addington, Harold Ragland, Dale Johnson, John Whittit, and Roy Meinhardt.  
Requested to appoint to DAB IV, Peggy Bennett and to reappoint Harold Warner to the MAPC.
- Mayor Mayans Mayor Mayans requested to appoint Ron Jacobson to the Arena Citizens Design Review Advisory Team.
- Council Member Gray Council Member Gray requested to appoint Joe Johnson to the Arena Citizens Design Review Advisory Team.
- Council Member Martz Council Member Martz requested to appoint DeAnn Sullivan to the Arena Citizens Design Review Advisory Team.
- Motion--carried Mayans moved to approve the appointments. Motion carried 7 to 0.

### **EXECUTIVE SESSION**

- Motion-- Mayans moved that the City Council recess at 12:00 p.m. into Executive Session to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: Legal advice and preliminary discussions relating to the acquisition of real property for public purposes and that the City Council return from Executive Session no earlier than 12:15 p.m. and reconvene in the City Council Chambers. Motion carried 7 to 0.
- carried

### **RECONVENE**

- The Council reconvened at 12:16 p.m. in the City Council Chambers. Mayor Mayans announced that no action was taken.
- Motion--carried Mayans moved at 12:16 pm to close the Executive Session. Motion carried 5 to 0, (Fearey and Skelton absent).
- Motion--carried Mayans moved at 12:17 pm to close the regular meeting. Motion carried 5 to 0, (Fearey and Skelton absent).
- Adjournment The City Council meeting adjourned at 12: 17 p.m.

Respectfully submitted,

Karen Sublett  
City Clerk

\*\*\*Workshop followed in the first floor boardroom\*\*\*